as against creditors of the seller unless an inventory as prescribed is made five days before the sale, and all the creditors of the seller of which the purchaser has or may obtain knowledge by reasonable diligence shall have been notified thereof; and another section makes the violation of the previous section a misdemeanor. Under these facts the Supreme Court of the State decides in *Block* v. *Schwartz*, 76 Pac. 22, that such Act was unconstitutional, as depriving a merchant owing debts of his liberty to contract, amounting to a deprivation of property without due process of law. A very satisfactory review of the principles involved is made by the court. The general principles involved are, of course, well known, but their application in this case seems an important one.

CONSTITUTIONAL LAW—EXCLUSION OF ALIEN ANARCHISTS.—None of the guaranties of U. S. Const. 1st Amend. respecting freedom to worship, speak, publish or petition, are infringed by the provisions of the immigration Act of March 3, 1903, for the exclusion and deportation of alien anarchists, whether such statute is construed to apply to persons whose opposition to all organized government is professed as a political ideal, or simply to include those who advocate the forcible overthrow of government or assassination of officials.

United States v. *Williams*, 24 Sup. Ct. 719.

VETERANS—PREFERENCE.—In view of the provisions in our new Constitution (sections 19 and 22) extending suffrage privileges to veterans and sons of veterans, and exempting veterans from paying poll-tax as a prerequisite to vote, the following decision will probably be of interest:

In *Goodrich* v. *Mitchell*, 75 Pac. 1034, the Supreme Court of Kansas decides that a law which provides that those who have served in the army and navy of the United States in the War of the Rebellion, and have been honorably discharged therefrom, shall be preferred for appointment to office in every public department and upon all public works of the State and of the cities and towns thereof is constitutional. With this case compare *State* v. *Garbroski*, 111 Iowa 496, which on its facts is against the validity of preference of veterans.

SERVICE OF NOTICE OR PROCESS—BY PRIVATE PARTIES—SEC. 3207 OF THE CODE.—In view of the growing custom of serving processes and notices of motion for judgment by private parties, the decision of the Circuit Court of the city of Richmond (Judge Wellford presiding) in the recent case of *Justis v. Pleasanton* may be of interest to the profession. The defendant testified that the paper (the process) was handed to him by the private party, but that he refused to receive the same, and that it was then placed on his shoulder, but that he brushed it off, and did not look at it, and never knew what it contained. The learned judge held that such service by the sheriff, sergeant or constable would have been sufficient, but that by a private party it was insufficient. If this ruling is correct, then it would

seem that service by a private party can always be thwarted by the defendant's refusing to accept the same. Section 3207 of the Code provides the method of service of notices, no particular method of serving which is prescribed, viz.: (1) by delivering a copy of such notice to the party in person; or (2) if he be not found at his usual place of abode, by delivering such copy and giving information of its purport to his wife or any person found there, who is a member of his family and above the age of sixteen years; or (3) if neither he nor his wife, nor any such person, be found there, by leaving such copy posted at the front door of said place of abode. These three methods may be performed by (1) any sheriff or sergeant or constable thereto required, or (2) any other person—the terms of the statute limiting the place of the service by the public officers mentioned to their own county or corporation. Both the public officers and private persons making the service must make return of the manner and time of the service; but private parties are required to verify their returns by affidavits, while this is not required of officers. No distinction is made by the statute as to the service by private parties and by officers, except this requirement of affidavit to the return. It would seem that in the case above cited there was a *delivery* of the notice, and the defendant neglected to read the same, at his risk. Suppose neither he nor his wife nor any member of his family had been at his usual place of abode, and the private party, in compliance with the statute, had left a copy posted at said usual place of abode, and then made the return and affidavit required by the statute, could the defendant have then availed himself of the defense that the notice was *posted* by a private party, and, therefore, refuse to read the same? If he may refuse to read a notice *delivered* by a private party, it would seem that he might refuse to receive a notice made in either the second or third method as aforesaid; and the whole statute, as far as private parties is concerned, would be nullified. C. B. G.

LOCAL OPTION—CHAPTER 25, SECTIONS 581-587 OF THE CODE—INDICTMENT THEREUNDER.—In view of the large number of counties that have adopted the local option law, the judicial construction of chapter 25 of the Code may be interesting to the profession.

Failure to post notice, as required by section 581, invalidates the election; and parol evidence is admissible to prove that notices were not posted or that any other plain and express provision of the statute had not been complied with. *Haddox* v. *Co. of Clarke*, 79 Va. 677; *Chalmers* v. *Funk*, 76 Va. 717.

It is not necessary that the indictment allege that the magisterial district wherein the sale occurred voted against license, as the court will take judicial notice thereof; nor is it necessary to allege that the liquor sold was the subject of license before the vote was taken. *Savage* v. *Com.*, 84 Va. 582; *Thomas* v. *Com.*, 90 Va. 92, 17 S. E. 788. Time is not of the essence of the offense, and, therefore, the indictment need not state a time certain at which the liquor was sold. *Id.* Nor is it necessary to state that the